

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SHAUN DARNELL GARLAND,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 2:21-CV-0796-DAD-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On July 8, 2024, the Court directed Plaintiff to pay the filing fees for this case within 30 days. Plaintiff was warned that failure to pay fees may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. As of August 26, 2024, the docket had not reflected payment of the filing fees as directed and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders. A further review of the docket now shows that filing fees were paid on July 29, 2024. The Court will, therefore, vacate the August 26, 2024, findings and recommendations. A new dispositive motion filing deadline will be set upon resolution by the Ninth Circuit Court of Appeals of Plaintiff's pending appeal of the Court's order revoking Plaintiff's in forma pauperis status.

1 Accordingly, IT IS HEREBY ORDERED that the findings and recommendations
2 issued on August 26, 2024, ECF No. 92, are VACATED as having been issued in error.

3
4 Dated: October 4, 2024

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE